



Minutes

*Of a Meeting of the Council of the City of Kenora
Monday, July 12, 2010 – City Council Chambers
5:00 p.m.*

~~~~~  
**With Mayor L. Compton in the Chair, Councillor W. Cuthbert, Councillor C. Drinkwater, Councillor D. McCann, Councillor R. McMillan, Councillor J. Parson, Councillor C. Van Walleghem.**

**Staff:** Bill Preisntanz, CAO, Karen Brown, Manager of Finance & Administration, Colleen Neil, Recreation Services Manager, Warren Brinkman, Fire & Emergency Services Manager and Heather Kasprick, Deputy Clerk.

## **Call to Order**

**Mayor Compton called the meeting to order and Councillor Drinkwater read the Prayer, followed by a moment of silence held in honour and respect of the late Leo Bernier.**

## **Public Information Notices as per By-law Number 144-2007**

**Mayor Compton then read the following notices:-**

As required under Notice By-law #144 -2007, Council hereby advises the public of its intention to adopt the following at tonight's meeting:-

- *Amend the 2010 capital budget to increase the total cost of an air compressor for the new fire & Emergency Services Facility*
- *Amend the 2010 capital budget to increase the total estimated cost to include Fit and Finish costs associated with the new Emergency Services Facility*
- *Amend the 2010 Solid Waste Capital budget in the amount of \$150,000.00 for the purchase of two (2) used Steel Walking Floor Garbage Trailers*
- *Amend the 2010 Solid Waste Capital budget in the amount of \$80,000 for the purchase of a Transport truck for the haulage of recyclable materials*
- *Amend the 2010 Water and Sewer budget as well as the 2012 Capital Budget under Vehicle Replacement Plan in the amount of \$30,000 for the purchase of a Half Ton truck for the Water Plant*
- *A By-law to enter into an easement agreement with two property owners*
  - *A By-law to deem two lots not to be part of a plan of subdivision*

**Confirmation of Minutes****1. Moved by C. Drinkwalter, Seconded by R. McMillan & Carried:-**

**That** the following Minutes of the last Meetings of the Council of the City of Kenora be confirmed as written and circulated:-

- Regular Meeting ~ June 14, 2010
- Special Meeting ~ June 29, 2010
- Special Meeting ~ July 9, 2010

**Declaration of Pecuniary Interest & General Nature Thereof**

Mayor Compton then asked if any Member of Council had any Declarations of Pecuniary Interest and the General Nature Thereof pertaining to any items as follows:-

- i) On Tonight's Agenda or from a previous Meeting
- ii) From a Meeting at which a Member was not in Attendance.

**None Declared.**

**Deputations:**

**Keep Highway 17 North Group** – Mr. Rob Giguere, Joyce Berry and Terry Wright were present to represent a group of 300 interested residents, land owners, cottagers and stewards of Lake of the Woods. The group fully supports the twinning of Highway 17 from the Manitoba border to Kenora for all the appropriate reasons including safety, efficiency and economic benefit. The Clearwater Bay Restricted Area Order was implemented in 1991 to protect the water quality and fish habitat of Lake of the Woods. Since then all property owners in this region have been required to abide by the regulations of the Restricted Area Order. Recently the federal MP from this region, Greg Rickford, proposed Motion M-519 which will protect the long-term ecological and economic vitality of the Lake of the Woods region. This motion received unanimous support from the floor of the house. This group has the support of the LOW District Property Owners Association representing over 4,000 members in this area and the Federation of Ontario Cottagers' Association representing over 550 other Associations in Ontario. It is this group's view that all twinning and construction of Highway 17 from the Red Pine Ridge Road/Caribou Lake area through to the Kenricia Road/Kenora bypass area must remain north of the current Highway 17 roadbed. This Northerly approach to the design of the new construction will then be consistent with the International Joint Commission, Motion M-519, the Lake of the Woods Water Sustainability Foundation and the Clearwater Bay Restricted Area Order. Council thanked Mr. Giguere for his deputation and advised that this matter would be addressed through Resolution at tonight's meeting.

**Presentations:**

- **Lake of the Woods Development Commission** – Dennis Wallace presented the Quarterly Report from the Commission and presented the highlights of the report which reflects indicators of success to show they are achieving results. All areas of the Commission (Tourism, Education and Training and Economic Development) have been extremely busy. Randy Nickle spoke in regards to the Tourism activities. The Tourism Strategy is what they work from for plans and

activities. The 'Escape to Ontario' partnership lead by the City of Kenora was highly successful. Also, the 'Choose your Adventure' campaign has also been a great success. The Tourism division has hired an intern Special Events coordinator, Lindsay Mulash. In partnership with the other Tourism Staff, Lindsay has worked in partnership with the Canada Day celebrations and the Summer Splash events. There is also work on the Discovery Centre being done while the development of that center begins. The other areas of the Commission have also had positive results and many optimistic discussions have taken place in a variety of areas for development in the City. Council thanked Dennis Wallace, Randy Nickle, Mike Greaves, Heather Paterson and other members of the Commission for attending and presenting this report to Council.

### **Budget Amendment – Air Compressor for new Fire Hall**

#### **2. Moved by C. Drinkwalter, Seconded by C. Van Walleghem & Carried:-**

**That** Council hereby approved an amendment to the 2010 capital plan to increase the total cost of an Air Compressor from \$50,000 to \$56,292 plus net impact of applicable taxes and delivery charges with the additional costs to be funded from the Provincial Government's Fire Service Grant; and further

**That** in accordance with Notice By-Law Number 144-2007, public notice is hereby given that Council intends to amend its 2010 Capital Plan by by-law at its July 12, 2010 meeting.

### **Budget Amendment – Fit & Finish for new Fire Hall**

#### **3. Moved by C. Drinkwalter, Seconded by R. McMillan & Carried:-**

**That** Council hereby approves an amendment to the 2010 capital plan to increase the total estimated cost of the Emergency Service Facility to include Fit and Finish; and further

**That** Council approve the Fit and Finish budget as identified in the Fire Station Reserve in the amount of \$138,000.00 plus net impact of applicable taxes; and further

**That** in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2010 Capital Plan by by-law at its July 12<sup>th</sup> meeting.

### **2010 Harbourfest Fireworks**

#### **4. Moved by J. Parson, Seconded by R. McMillan & Carried:-**

**That** Council of the City of Kenora hereby authorizes the issuance of tax receipts for any donation of \$100 or greater made to the City of Kenora between January 1, 2010 and August 31, 2010 to be used specifically towards the 2010 Harbourfest fireworks display; and

**That** the City will pay the invoice(s) for the actual purchase of fireworks, including any specifically related expenditures, direct to the appropriate supplier(s) for the 2010 fireworks display to a maximum of the actual donation amounts received; and

**That** the issuance of tax receipts for donations for fireworks be restricted specifically to the 2010 fireworks display in recognition of the tourism impact the event has to the City of Kenora; and further

**That** the Harbourfest Committee be advised of Council's decision, including all related restrictions.

#### **Dedicated Gas Tax Funds – Transportation Program**

##### **5. Moved by R. McMillan, Seconded by C. Van Walleghem & Carried:-**

**That** Council of the City of Kenora give three readings to a by-law to authorize entering into a Letter of Agreement with the Ministry of Transportation with respect to the Dedicated Gas Tax Funds for Public Transportation Program for 2009-2010.

#### **Monthly Financial Statements**

##### **6. Moved by R. McMillan, Seconded by C. Drinkwalter & Carried:-**

**That** Council hereby accepts the monthly Financial Statements of the Corporation of the City of Kenora as at May 31, 2010.

#### **Various Committee Minutes**

##### **7. Moved by J. Parson, Seconded by C. Van Walleghem & Carried:-**

**That** Council hereby adopts the following Minutes from various City of Kenora Committees:

- March 26, 2010 – Kenora Public Library Board
- April 29, 2010 – Kenora Public Library Board
- May 13, 2010 – Kenora District Services Board
- June 22, 2010 – Lake of the Woods Museum Board; and
- 

**That** Council hereby receives the following Minutes from other various Committees:

- May 18, 2010 – Kenora Community Policing Committee
- May 28, 2010 – Northwestern Health Unit Board of Health
- May 28, 2010 – District of Kenora Home for the Aged; and further

**That** these Minutes be circulated and ordered filed.

#### **By-law to allow Handi Transit to provide Accessible Transportation Services within the City**

##### **8. Moved by J. Parson, Seconded C. Drinkwalter by & Carried:-**

**That** Council give three readings to a by-law to authorize the Kenora Handi Transit to provide accessible transportation services in the City of Kenora.

#### **Paterson Medical Centre – Loan Advance**

##### **9. Moved by R. McMillan, Seconded by J. Parson & Carried:-**

**That** Council of the City of Kenora hereby authorize a cumulative loan advance of \$1,046,000.00 to the Kenora Health Care Centre Corporation in accordance with the terms and conditions of Bylaw Number 37-2009 based on the following interim advances:

1. \$465,000.00 effective December 29, 2009
2. \$446,000.00 effective January 28, 2010
3. \$135,000.00 effective March 16, 2010

**OGRA Minimum Maintenance Standards Litigation Fund****10. Moved by R. McMillan, Seconded by W. Cuthbert & Carried:-**

**That** the City of Kenora support the request from the Ontario Good Roads Association to contribute to the Minimum Maintenance Standards Litigation Fund in the amount of \$.10 per capita.

**By-Law to correct "Term of Council" Reference in By-laws****11. Moved by R. McMillan, Seconded by J. Parson & Carried:-**

**That** Council give three readings to a by-law deeming all by-laws that cite a 'three-year term of Council' to mean 'the term of Council.'

**Town of Atikokan request for support****12. Moved by C. Van Wallegghem, Seconded by J. Parson & Carried:-**

**Whereas** Utility Vehicles (UTV's) are currently not of a prescribed class of vehicle to be allowed on Provincial and Municipal highways; and

**Whereas** the Provincial Government through their vehicle licensing program recognizes UTV's as an All-Terrain Vehicle (ATV); and

**Whereas** UTV's are insurable under the Insurance Act to be in compliance with the Highway Traffic Act and Off-Roads Vehicle Act; and

**Whereas** manufacturers and retailers continue to build and sell UTV's; and

**Whereas** there are economic benefits in the tourism industry to develop ATV and UTV trails; and

**Whereas** a thorough review of the Off-Roads Vehicle Act in conjunction with the Highway Traffic Act has not taken place to consider expanding UTV's as an allowable vehicle on Provincial and Municipal Highways;

**Now Therefore be it Resolved** that the Council of the City of Kenora request the Minister of Transportation to give a directive for a thorough review of the Off-Roads Vehicle Act to include UTV's in the Off-Roads Vehicle Act; and

**Further be it Resolved** that this resolution be forwarded to the Minister of Transportation and to MPP Howard Hampton for their support.

**NOMA – Northwestern Ontario Regional Conference****13. Moved by C. Van Wallegghem, Seconded by C. Drinkwalter & Carried:-**



**That** authorization be hereby given for Councillors McCann and Cuthbert to attend the Northwestern Ontario Regional Conference taking place September 29-October 1, 2010 in Thunder Bay, ON; and further

**That** all eligible expenses in accordance with Council's Travel & Per Diem Policy be hereby authorized.

**City of Dryden's 100<sup>th</sup> Birthday Celebration**

**14. Moved by C. Van Wallegghem, Seconded by J. Parson & Carried:-**

**That** authorization be hereby given for Mayor Compton to attend the City of Dryden's 100<sup>th</sup> Anniversary celebration taking place July 30, 2010 in Dryden, ON; and further

**That** all eligible expenses in accordance with Council's Travel & Per Diem Policy be hereby authorized.

**Lease Agreement- Castle of Learning & Discovery Children's Centre**

**15. Moved by C. Drinkwalter, Seconded by J. Parson & Carried:-**

**That** the Council of the City of Kenora give three readings to a by-law to enter into a lease agreement with the Keewatin-Patricia District School Board for a 5-year term effective July 1, 2010 to June 30, 2015 for the Castle of Learning and Discovery Children's Centre.

**Lewis McKenzie Order of Canada ICROSS National Honour Ride – Canadian Army Veterans – C.A.V.**

**16. Moved by D. McCann, Seconded by C. Van Wallegghem & Carried:-**

**That** Council of the City of Kenora acknowledge the 4th Annual Lewis Mackenzie Order of Canada ICROSS National Honour Ride to be held July 30<sup>th</sup>, July 31<sup>st</sup> & August 1<sup>st</sup>, 2010; and further,

**That** approvals be granted as outlined below in conjunction with the above noted Special event:

1. Authorization be granted for the Veteran Motorcycle Units (CAV) to hold a Memorial Service at the Lake of the Woods Cemetery on Saturday, July 31<sup>st</sup> at 11 a.m.; and
2. General vehicular traffic be prohibited in the Cemetery from 10:30 a.m. to 12:30 p.m. on Saturday, July 31<sup>st</sup>, 2010, during the Memorial Service; and
3. That Mayor & Council be invited to attend the Flag Raising Ceremony at Memorial Museum Park at 10:30 a.m. on Saturday July 31<sup>st</sup>.

**Discharge of Firearms**

**17. Moved by D. McCann, Seconded by R. McMillan & Carried:-**

**That** Council hereby approves amending By-Law 41-2001, being a by-law to regulate the discharge of firearms, air-guns, spring-guns, cross-bows, long-bows or any class

or type thereof to include the following sections: Short title, Definitions, General and Administration; and,

**That** approval be given to amend By-Law 41-2001, to include additions under section 5.1 "Exemption" to read as follows:

- 5.1.1 The Kenora Airport Authority as defined by the fenced area located on Airport Road.
- 5.1.2 Municipal Law Enforcement Officer, or a By Law Enforcement Officer for the City of Kenora authorized and in the actual and bona fide performance of his or her duties
- 5.1.3 A Police Officer when duly authorized and in the actual and bona fide performance of his or her duties.
- 5.1.4 A staff member of the Correctional Services of Canada.
- 5.1.5 An inspector or agent of the Ontario Society for the Prevention of Cruelty to Animals when duly authorized and in the actual and bona fide performance of his or her duties.
- 5.1.6 A Conservation Officer or a Deputy Conservation Officer of the Ministry of Natural Resources, and any other person authorized to enforce the Ontario *Fish and Wildlife Conservation Act*, R.S.O. 1997, or the *Firearms Act*, R.S.C. 1995, c.39 ; and

**That** approval be given to amend By-Law 41-2001, to replace Schedule "A" - word description with Schedule "A" - location drawing; and further,

**That** following the adoption of the new by-law, Administration make arrangements to establish and have approved, a Set Fine Schedule for this purpose as set out below:

| ITEM | SECTION | WORDING                              | FINE     |
|------|---------|--------------------------------------|----------|
| 1    | 3.1     | Discharge firearm in restricted area | \$200.00 |

### **2010 Dragon Boat Festival**

**18. Moved by D. McCann, Seconded by J. Parson & Carried:-**

**That** the Council of the City of Kenora hereby acknowledges the Kenora Dragon Boat Festival on Sunday, August 8, 2010; and further,

**That** the following approvals be granted in conjunction with the above-noted Special Event;

1. That authorization be granted for the officials' boats to operate 50 h.p. motors on Rabbit Lake.

2. That authorization be granted for the event buoys to be placed in the water 1 day prior to the event, to be removed in the following week.
3. That exclusive use of Garrow Park and the Tennis Courts at Garrow Park be hereby approved for this event on August 8, 2010.

### **Garbage Hauling to Kenora Area Landfill Site (Jones Road)**

#### **19. Moved by D. McCann Seconded by R. McMillan & Carried:-**

**That** Council hereby authorizes an additional budget request in the amount of \$150,000.00 for the purchase of two (2) used Steel Walking Floor Garbage Trailers and commence hauling the City of Kenora household waste to the Kenora Area Landfill Site with existing staff; and

**That** Council hereby authorizes the additional request of \$150,000.00 to be funded through the City's Solid Waste Reserves; and

**That** in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2010 Solid Waste Capital Budget at its July 12, 2010 meeting; and

**That** Council hereby gives three readings to a by-law to amend the budget for this purpose.

### **Anti-Graffiti By-Law**

#### **20. Moved by D. McCann, Seconded by C. Van Wallegem & Carried:-**

**That** the increase of graffiti on both public and private property is creating a condition within the City of Kenora which results in deterioration of property value and contributes to the overall detriment of the quality of life in the City; and further

**That** the Council of the City of Kenora deems it necessary and expedient that regulations be made for controlling graffiti on both public and private properties and for creating offences for any contravention to the by-law; and further

**That** Council of the City of Kenora give three readings to a by-law to adopt an Anti Graffiti By-Law.

### **Highway 17 Four-Laning**

#### **21. Moved by D. McCann, Seconded by C. Van Wallegem & Carried:-**

**That** Council hereby supports in principle that the location of the new Highway 17 four lane project be kept north of the existing road bed between the Red Pine Ridge Road and the Kenora Bypass to help protect the Lake of the Woods water quality.

### **RECORDED VOTE:~**

| <b>COUNCIL</b>         | <b>AYE</b> | <b>NAY</b> | <b>Dec. of Interest</b> |
|------------------------|------------|------------|-------------------------|
| Councillor Cuthbert    | <b>X</b>   |            |                         |
| Councillor Drinkwalter | <b>X</b>   |            |                         |
| Councillor McCann      | <b>X</b>   |            |                         |
| Councillor McMillan    | <b>X</b>   |            |                         |



|                           |   |  |  |
|---------------------------|---|--|--|
| Councillor Parson         | X |  |  |
| Councillor Van Wallegghem | X |  |  |
| Mayor Compton             | X |  |  |

### **NOMA Resolution – Water & Waste Water Systems**

#### **22. Moved by C. Drinkwater, Seconded by J. Parson & Carried:-**

**That** the Council of the City of Kenora endorses the resolution received from the Northwestern Ontario Municipal Association (NOMA) regarding their opposition to Bill 13: Sustainable Water and Waste Water Systems Improvement and Maintenance Act, 2010; and further,

**That** if adopted Administration be directed to forward Council's resolution to the Honourable John Gerretsen, Minister of the Environment.

### **Disabled Parking Temporary Location**

#### **23. Moved by J. Parson, Seconded by C. Drinkwater & Carried:-**

**That** Council give three readings to a by-law to amend City of Kenora Traffic Regulation By-law 127-2001 to include the following amendments to Schedule "K" - Disabled Parking Spaces on Streets and Highways – Main Street South:-

| Column 1<br>STREET                 | Column 2<br>LOCATION                                                            | Column 3<br>SIDE | Column 4<br>TYPE OF<br>PARKING | Column 5<br># OF<br>SPACES |
|------------------------------------|---------------------------------------------------------------------------------|------------------|--------------------------------|----------------------------|
| <b>ADD</b><br>Main Street<br>South | From 40.8 metres<br>north of McClellan Avenue,<br>northerly for 7.3 metres; and | East             | Parallel                       | 1                          |

**That** this amendment be implemented on "a temporary basis only" for the period starting October 4, 2010 and including October 25, 2010 to cover the duration of the Municipal Election.

### **Tops and Bottoms Regatta - 2010**

#### **24. Moved by J. Parson, Seconded by R. McMillan & Carried:-**

**That** the Council of the City of Kenora hereby acknowledges the Kenora Rowing Club's Tops and Bottoms Regatta to be held July 23<sup>rd</sup> & 24<sup>th</sup>, 2010 on Rabbit Lake; and

**That** the following approvals be granted as outlined below in conjunction with this event:

1. A variance be granted for the motor size on Rabbit Lake as set out by By-law No. 153-2005 (as there is a need to operate 25-50 h.p. motors to keep up to the racing boats to ensure their safety on the water for the event).
2. The event buoys to be placed in the water two to three (2-3) days prior to the event, and to be removed the following week by the Kenora Rowing Club.

**Transport Truck Funding****25. Moved by D. McCann, Seconded by R. McMillan & Carried:-**

**That** Council hereby authorizes an additional budget request in the amount of \$80,000 for the purchase of a Transport truck for the haulage of recyclable materials by the City of Kenora to Manitoba; and,

**That** Council hereby authorizes the additional request to be funded through the reallocation of \$80,000 from the Solid Waste Capital Reserves; and

**That** in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2010 Solid Waste Capital Budget at its July 12, 2010 meeting; and,

**That** Council hereby gives three readings to a by-law to amend the budgets for this purpose; and

**That** Council give three readings to a by-law to enter into an agreement with the City of Dryden to provide payment to the City of Kenora for the haulage of their recycle material to Winnipeg as required; and further

**That** Council of the City of Kenora give three readings to a bylaw to execute an agreement with Waste Diversion Ontario (WDO) and Stewardship Ontario for funding under the Continuous Improvement Fund (CIF) in the amount of \$80,000 representing provincial contributions under the Blue Box Program Plan for the purchase and installation of a tractor unit.

**Water Department Vehicle Purchase****26. Moved by D. McCann, Seconded by W. Cuthbert & Carried:-**

**That** Council hereby authorizes an additional budget request in the amount of \$30,000 for the purchase of a Half Ton truck for the Water Plant; and

**That** Council hereby authorizes the additional request to be funded through the reallocation of \$30,000 from the Vehicle Replacement Plan approved under the 2012 Capital Budget; and

**That** in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2010 Water and Sewer Budget at its July 12, 2010, meeting; and further

**That** Council hereby gives three readings to a by-law to amend the budgets for this purpose.

**Budget Amendment- LOW Plaza/Festival Area of Revitalization Project****27. Moved by D. McCann, Seconded by W. Cuthbert & Carried:-**

**That** Council hereby authorizes an additional budget request in the amount of \$624,739.03 to complete the Lake of the Woods Plaza/Festival Area portion of the Downtown Revitalization Contract 400; and

**That** Council hereby authorizes the additional request of \$200,000 to be funded through the City's Downloaded Roads Reserves; and

**That** Council hereby authorizes the additional request of \$424,739.03 to be funded through the City's Contingency Reserves; and

**That** in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2010 Municipal Five Year Capital Plan at its July 12<sup>th</sup> meeting; and

**That** Council hereby give three readings to a by-law to amend the budget for this purpose, and,

**That** the following tenders for the Downtown Revitalization Contract 400 Lake of the Woods Plaza/Festival Area be received:

|                     |                             |
|---------------------|-----------------------------|
| Jarnel Construction | \$3,943,870.65 plus 13% HST |
| Wilco Contractors   | \$5,073,498.51 plus 13% HST |

and further,

**That** the tender for the Downtown Revitalization Contract 400 Lake of the Woods Plaza/Festival Area be awarded to Jarnel Construction in the revised negotiated amount of \$3,629,759.65 plus HST.

**RECORDED VOTE:~**

| COUNCIL                   | AYE | NAY | Dec. of Interest |
|---------------------------|-----|-----|------------------|
| Councillor Cuthbert       | X   |     |                  |
| Councillor Drinkwalter    | X   |     |                  |
| Councillor McCann         | X   |     |                  |
| Councillor McMillan       | X   |     |                  |
| Councillor Parson         | X   |     |                  |
| Councillor Van Wallegghem | X   |     |                  |
| Mayor Compton             | X   |     |                  |

**Application for Waiving of Sign Permit Fees - Paterson**

**28. Moved by W. Cuthbert, Seconded by C. Van Wallegghem & Carried:-**

**That** Council of the City of Kenora hereby approve the location of a 8'x6' sign to be located at the Paterson Medical Centre adjacent to the new addition; and

**That** the requirement for a ground sign fee for this application be suspended; and further

**That** use of the City's brand logo be granted to the Paterson Foundation for use on the ground sign at the Paterson Medical Centre.

**LOW Development Commission – Monthly Status Report****29. Moved by W. Cuthbert, Seconded by D. McCann & Carried:-**

**That** Council accept the June 2010 Monthly Report from the Lake of the Woods Development Commission.

**LOW Development Commission – Quarterly Status Report****30. Moved by W. Cuthbert, Seconded by R. McMillan & Carried:-**

**That** Council accept the 2010 Quarterly Report from the Lake of the Woods Development Commission.

**Easement Agreement – Utility Purposes****31. Moved by W. Cuthbert, Seconded by J. Parson & Carried:-**

**That** the City of Kenora authorizes the Mayor and Clerk to enter into an easement agreement with Barton and Lorelie Stebnitsky and with Dean and Tanya Laewetz for granting right to construct, operate, maintain, repair, replace, renew and make additions to sewer (storm and/or sanitary), and/or water services and/or any part thereof, including all necessary manholes, fixtures, equipment and all appurtenances on property described as 38 Shauna Crescent; M 884 LOT 7 PARCEL 40364 and 40 Shauna Crescent; M 884 LOT 6 respectively.

**Application to deem two lots****32. Moved by W. Cuthbert, Seconded by R. McMillan & Carried:-**

**That** all the lands contained within the boundaries of Lots 18-1 and 19-1, on Registered Plan of Subdivision M. 904, in the City of Kenora, formerly the Town of Jaffray Melick are hereby deemed not to be lands described in accordance with a registered plan of subdivision for the purposes of Section 50(3) of the Planning Act, RSO 1990.

**That** in accordance with the provisions of the Planning Act, this by-law shall come into force and take effect on the final passing thereof by the Council of the Corporation of the City of Kenora and upon registration of this by-law in the Land Titles office for the District of Kenora.

**That** the Applicant shall be responsible for all costs associated with such registration.

**That** the Mayor and Clerk are hereby authorized to execute any and all documents required to complete this transaction.

**Re-Naming of Fifth Street South****33. Moved by C. Van Walleghem, Seconded by C. Drinkwalter & Carried:-**

**That** in recognition of Mike Richards's NHL professional hockey accomplishments, including being part of the 2010 Canadian Men's Olympic Hockey Team, the Council of the City of Kenora hereby re-names a portion of a road, locally known as Fifth Street South as shown on Plan M8 (Savage Street) to 'Mike Richards Way;' and further

**That** in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to adopt a by-law at its July 12 Council Meeting, re-naming the above-described portion of road to 'Mike Richards Way'.

### **Ottawa Street Lease Agreement**

#### **34. Moved by C. Van Walleghem, Seconded by J. Parson & Carried:-**

**That** Council of the City of Kenora authorize the Mayor and Clerk to enter into an a Lease Agreement for Unit A located at 1008 Ottawa St with the Canadian Red Cross Society for a term of one year (July 1, 2010 to June 30, 2011) for the sum of \$655.63 per month as described in the formal lease agreement dated July 1, 2010.

### **Sell Municipal Property – Bowman et al**

#### **35. Moved by W. Cuthbert, Seconded by C. Van Walleghem & Carried:-**

**That** Council of the City of Kenora hereby declares property described on the application to purchase, CON 1J WPT ML 18 RP KR1055;PART 1 PCL25566 and CON 1J DES KR 1005 PART 18 PART & RP 23R2992 PARTS 1 & 2 PCL 29148 and Lake of the Woods, as surplus to the needs of the municipality; and

**That** in accordance with Notice By-law #14-2003, arrangements be made to advertise the sale of the subject lands for a three-week period; and further

**That** once the advertising process has been completed, Council give three readings to a by-law to authorize the sale of land to Thomas BOWMAN, Constance BOWMAN, Mary Margaret MAZZEI and Catherine POKOTYLO at the appraised value, for each of four lots, as established by Century 21 – Reynard Real Estate, plus all associated costs.

### **Revisions to the Final Draft Zoning By-law**

#### **36. Moved by W. Cuthbert, Seconded by D. McCann & Carried:-**

**That** the following revisions be made to the Final Draft Zoning By-law (June 16, 2010) in order to ensure that the City's Zoning By-law conforms to the Official Plan:

- **Minor Editorials throughout the document to fix typos, formatting, etc**
- **Section 1.13 Request for Amendments**  
Insert new second paragraph to read, "Minor amendments to the Zoning By-law are permitted without adopting an amendment provided they do not change the intent of the Zoning By-law. Minor amendments could include: number changes; cross-referencing; correcting grammatical or typographical errors.
- **Section 1.3.6 Holding Zone**  
In the last second line, delete "which are identified in the exception provisions"
- **Section 3.26 Landscaped Open Space and Landscaped Buffer Strips**  
Delete (e) and (f)
- **Section 3.29.7 New Uses in Existing Buildings in Harbourtown Centre**



Second sentence – delete “Table 3” and insert “Table 4”.

- **Section 4.6 Local Commercial Zone**

Sub Section 4.6.2 Permitted Uses, insert “Drive Through Facility”

Sub Section 4.6.3 Zone Regulations (l), delete “For any permitted convenience store, restaurant or retail store the maximum total floor area of the permitted use shall be 300 m<sup>2</sup>.” and insert “For any permitted convenience store, restaurant, drive through facility, or retail store the maximum total gross floor area of the permitted use shall be 300 m<sup>2</sup>.”

- **Section 4.9 Tourist Commercial Zone**

Title to be changed to “Tourist Recreational”

Sub Section 4.9.1 Purpose. Existing text to be deleted and replaced with “This zone allows for a variety of accommodations to be established for recreational and tourism purposes.”

Sub Section 4.9.2 Permitted Uses delete “personal service business”.

Sub Section 4.9.3 Zone Regulations (k) and (l), insert “gross” after “total” and before “floor”

- **Section 4.10 Light Industrial Zone**

Sub Section 4.10.2 Permitted Uses, Insert “Drive Through Facility”.

Sub Section 4.10.3 Zone Regulations. Insert new (m). For any permitted restaurant or drive through facility, the maximum total gross floor area of the permitted use shall be 300 m<sup>2</sup>.

- **Section 4.11 Heavy Industrial Zone**

Sub Section 4.11.2 Permitted Uses, Insert “Drive Through Facility”.

- **Zoning Schedules (Map) changes**

Change “Tourist Commercial” to “Tourist Recreational”

Fire Hall, Second Street changed from Institutional to General Commercial

### **Screened Winter Sand Tender - 2010**

#### **37. Moved by R. McMillan, Seconded by C. Van Walleghem & Carried:-**

**That** the following quotations for the supply and delivery of 9,500 tonnes of treated winter sand (tax included), be received;

Hugh Munro Construction \$20.99 per tonne

Joe Neniska and Sons Ltd \$16.08 per tonne

**That** the quotation for the supply and delivery of 9,500 tonnes of treated winter sand from Joe Neniska and Sons Ltd., pending material successfully passing sieve analysis testing, be hereby accepted, and further;

**That** the only quotation received from Sifto Salt, for the supply of 500 tonnes of bulk de-icing salt, in the amount of \$113.75 per tonne, taxes extra, be hereby accepted.

### **LOW Discovery Centre Works**

#### **38. Moved by R. McMillan, Seconded by W. Cuthbert & Carried:-**

**That** the following tenders for the Lake of the Woods Discovery Centre be received (HST extra):

|                             |                |
|-----------------------------|----------------|
| Solid Construction          | \$2,141,138.00 |
| Jarnel Contracting          | \$2,495,000.00 |
| FinnWay General Contractors | \$2,999,000.00 |

And further;

**That** the tender for the Lake of the Woods Discovery Centre be awarded to Solid Construction, in the amount of \$2,141,138.00 (HST extra).

### **By-Law Passing**

#### **39. Moved by R. McMillan, Seconded by W. Cuthbert & Carried:-**

**THAT** the following **By-laws** be now read a **FIRST & SECOND TIME**, and approved in their present form and presented for **THIRD & FINAL** Reading:~

**#119-2010** - To confirm proceedings of Council and other Committee Meetings

**#120-2010** - To amend the 2010 budget (air compressor new fire hall)

**#121-2010** - To amend the 2010 budget (fit & finish new fire hall)

**#122-2010** - Authorize an agreement for the dedicated gas tax funds

**#123-2010** - Authorize Handi Transit to provide accessible transportation services

**#124-2010** - Amend 'term of Council' in a variety of by-laws

**#125-2010** - Authorize a lease agreement for the Castle of Learning & Discovery Ctr

**#126-2010** - Amend Discharge of Firearms by-law

**#127-2010** - To amend the 2010 budget (2 garbage trailers)

**#128-2010** - Adopt an Anti-Graffiti by-law

**#129-2010** - Authorize a temporary disabled parking location for election purposes

**#130-2010** - To amend the 2010 budget (transport truck)

**#131-2010** - To amend the 2010 budget (half ton truck for water plant)

**#132-2010** - Authorize an easement agreement for utility purposes (Stebnitsky)

**#133-2010** - Authorize an easement agreement for utility purposes (Laewetz)

**#134-2010** - Authorize an application to deem two lots

**#135-2010** - Rename Fifth Street South to "Mike Richards Way"

**#136-2010** - Authorize a lease agreement for 1008 Ottawa Street

**#137-2010** - To amend the 2010 budget (Downtown Revitalization Plaza/Festival area)

**Adjournment**

**40. Moved by W. Cuthbert, Seconded by J. Parson & Carried:-**

**That** this meeting be now declared closed at 6:14 p.m.; and further

**That** Council adjourns to a Closed Meeting to discuss the following:

**Disposition of a Land Matter**

At 6:44 p.m., Council reconvened to open session with no report.

The meeting closed at 6:45 p.m.

**THE CORPORATION OF THE CITY OF KENORA:**

**CONFIRMED AS WRITTEN THIS .....DAY**

**OF.....2010**

.....  
**MAYOR**

.....  
**CITY CLERK**

